
Exhibit 4

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
No.: 1:20-CV-05441 (KPF)(KWL)

UNIFORMED FIRE OFFICERS)
ASSOCIATION, et al.,)
)
 Plaintiffs,)
)
 vs.)
)
BILL de BLASIO, et al.,)
)
 Defendants.)
_____)

REMOTE VIDEOTAPED DEPOSITION OF
 LESA MOORE
 Thursday, August 6, 2020

REPORTED BY:

RHONDA HALL-BREUWET, RDR, CRR, LCR, CCR, FPR

JOB NO. 28092

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2 follow the law.

3 BY MR. COLES:

4 Q I had a more specific question.

5 A We're required to follow the law.

6 I can't be more specific than that.

7 Q Well, as part of the law, do you
8 believe the department has a responsibility to
9 protect the collective bargaining rights of an
10 officer when responding to FOIL?

11 MS. SAINT-FORT: Objection.

12 THE WITNESS: I believe -- I
13 believe we have a -- we have a
14 responsibility to apply the law.

15 BY MR. COLES:

16 Q No, I have that answer. I was
17 asking a more specific question. My more
18 specific question is whether or not the
19 department has a responsibility to protect the
20 collective bargaining rights of officers when
21 responding to a FOIL request.

22 MS. SAINT-FORT: Objection. The
23 witness has already answered that question.

24 BY MR. COLES:

25 Q Can you answer that yes or no?

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2 MS. SAINT-FORT: The witness
3 already answered.

4 BY MR. COLES:

5 Q Yes, I'm asking whether or not you
6 can ask -- yes or no, whether or not the
7 department has a responsibility to protect the
8 collective bargaining rights of an officer
9 when responding to FOIL.

10 A I can't -- I can't answer that yes
11 or no.

12 Q And why is that?

13 A Because I believe we have a
14 right -- we have a responsibility to apply the
15 law.

16 Q Okay. Is there anything that you
17 want to add to your answer?

18 A No.

19 Q Are you sure?

20 A Yes.

21 Q Okay. Do you know whether or not
22 the department provides training to its FOIL
23 officers as to whether settlement agreements
24 entered into should be produced under FOIL?

25 A I don't think there's been a -- I

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2 answer.

3 BY MR. COLES:

4 Q Does the department have a
5 position as to whether or not charges and
6 specifications would be producible under FOIL
7 or subject to the FOIL exemptions?

8 A So prior to the repeal of 50-a, we
9 would not have produced charges and a spec to
10 a third party asking. We would have asserted
11 50-a.

12 Q And today?

13 A We have not fulfilled any of the
14 request as yet. We have certainly
15 contemplated it being responsive.

16 Q How would you define a charge and
17 specification?

18 A I would define it as the
19 allegations brought against a member of
20 service by the department advocate's office
21 listing out all the specific misconduct that
22 is alleged that the person did and that will
23 be adjudicated before the office of the deputy
24 commissioner of trials.

25 Q Right. And would it be clear to

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2 say -- would it be accurate to say that
3 charges and specifications are not proven?

4 MS. SAINT-FORT: Objection.

5 You can answer.

6 THE WITNESS: It would -- yes. It
7 would be accurate to say it's alleged.

8 BY MR. COLES:

9 Q Okay.

10 MS. SAINT-FORT: Are we still
11 using this exhibit?

12 MR. COLES: Yes. Just leave it up
13 for a second.

14 MS. SAINT-FORT: Okay.

15 BY MR. COLES:

16 Q Does the department have a
17 position as to whether or not unproven or
18 pending allegations against officers are
19 protected as unreasonable invasions of privacy
20 under FOIL?

21 MS. SAINT-FORT: Objection.

22 You can answer.

23 THE WITNESS: Could you reread the
24 question, please?

25 CERTIFIED STENOGRAPHER: Do you

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2 Exhibit 2.

3 A Is this the entire document,
4 though?

5 Q No. There's an attachment to it,
6 but I'm only interested right now on the first
7 page.

8 A Based on the first page, I can't
9 recall. The first line looks familiar. The
10 document I read was very long. I -- I don't
11 recall this first page in particular.

12 Q Okay. In determining whether or
13 not the release of information about police
14 disciplinary records would create a risk of
15 safety, does the department consider at all
16 the fact that officers WenJian Liu and Rafael
17 Ramos were assassinated in 2014?

18 MS. SAINT-FORT: Objection. Form.
19 You can answer.

20 THE WITNESS: I don't know.

21 BY MR. COLES:

22 Q Do you know whether or not in
23 determining whether or not the release of
24 disciplinary records would constitute a risk
25 of safety if the department considers the fact

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2 that Police Officer Miosotis Familia was
3 assassinated in 2017?

4 MS. SAINT-FORT: Objection to
5 form.

6 You can answer.

7 THE WITNESS: I don't know.

8 BY MR. COLES:

9 Q Do you know whether or not the
10 department takes into account the fact that in
11 2018 the Department of Justice arrested a man
12 for using a weapon of mass destruction whose
13 intent was to kill police officers?

14 MS. SAINT-FORT: Objection to
15 form.

16 You can answer.

17 THE WITNESS: I don't think I
18 understood the question. Could you read
19 back the question, please?

20 BY MR. COLES:

21 Q I'll make it more specific.

22 Are you aware that the department,
23 according to the Department of Justice, in
24 2018, a man attempted to send a mail bomb to
25 the New York City police officers who arrested

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2 him?

3 MS. SAINT-FORT: Objection.

4 Outside the scope of this deposition.

5 BY MR. COLES:

6 Q Are you familiar with that?

7 MS. SAINT-FORT: Same objection.

8 I'm instructing the witness not to
9 answer.

10 BY MR. COLES:

11 Q My question is whether or not --
12 if she's familiar with that, whether or not
13 the department takes that into account in
14 evaluating the safety exemption in FOIL.

15 MS. SAINT-FORT: Okay.

16 You can answer that question.

17 Objection to form.

18 But you can answer.

19 THE WITNESS: I don't know.

20 BY MR. COLES:

21 Q Here's the 30(b)(6) witness, and
22 yet you can't testify as to whether or not the
23 department takes into account killings or
24 attempted killings of police officers in
25 making a determination as to whether or not to

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2 MS. SAINT-FORT: You can answer
3 without revealing anything that is
4 privileged information, to the extent you
5 can answer.

6 THE WITNESS: I mean, to the
7 extent I can answer that, we have
8 contemplated certain consequences that
9 might flow to somebody by our release of
10 records.

11 BY MR. COLES:

12 Q What kind of consequences?

13 MS. SAINT-FORT: Same objection.
14 You can answer to the extent
15 you're not revealing any privileged
16 information.

17 THE WITNESS: Well, certainly we
18 have -- we've thought about whether or not
19 there will be post employment consequences
20 based on records that we could release.

21 BY MR. COLES:

22 Q Okay.

23 MS. SAINT-FORT: I just want to
24 note that we've reached our 90-minute time
25 frame, from my stopwatch.